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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,375	01/23/2004	Sergey N. Razumov	59036-040	4460
7590 09/06/2006				
MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096				
			EXAMINER SHAH, AMEE A	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,375	RAZUMOV, SERGEY N.	
	Examiner	Art Unit	
	Amea A. Shah	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-28 are pending in this action.

Response to Amendment

Applicant's Amendment, filed June 19, 2006, has been entered. Claims 13 and 27 have been amended. In view of these amendments, the objections to claims 13 and 27 have been withdrawn.

Response to Arguments

Applicant's arguments filed June 19, 2006, have been fully considered but they are not persuasive. Applicant argues that the provisional application (60/475,738 – hereafter referred to as the “'738 application”) on which Gosewehr (US 2004/0249724 – hereafter referred to as “Gosewehr”) relies does not suggest the limitation of claims 1 and 16 of a display mechanism responsive to the recognized voice input for displaying images assisting the customer in ordering the product during a product ordering session; therefore Gosewehr's filing date is after Applicant's filing date and cannot be considered prior art (pages 7-8). The Examiner disagrees. The ‘738 application does suggest a display mechanism responsive to the recognized voice input for displaying images assisting the customer in ordering the product during a product ordering session, as well as the subject matter of the dependent claims. For example, on page 2, the ‘738 application discloses:

The animated guide can take many forms depending on the application. Applications could be implemented whereby the animated guide could take any form including, but not limited to, a cartoon figure or an animated video clip of a person. The animated

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guide would be designed to communicate verbally and/or through gestures with what the customer is seeing on the order screen at that particular time, and will offer directions, tips, advice, or any other type of graphical or audio assistance that the customer might need.

The '738 application further discloses, on page 5,

The animated guide could then welcome the customer to the business and prompt them to make ordering decisions specific to each system by numerous methods, including, but not limited to, touching parts of a touchscreen or voice recognition. The animated guide assists the customer or employee by giving directions, explaining features or other useful information about each part of a potential order..."

The display mechanism is the touchscreen monitor (page 4) which is responsive to the recognized voice input (pages 2 and 5) and which displays images to assist the customer (the images consist of the animated guide). Therefore, the '738 application reasonably provides adequate 35 U.S.C. §112, first paragraph support for Gosewehr (and applicant's claimed invention), and Gosewehr does qualify as prior art.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 10-12, 15-18, 20-22 and 24-26 are rejected under 35 U.S.C. §102(e) as being anticipated by Gosewehr, U.S. Pat. App. Pub No. 2004/0247724 A1 (hereinafter referred to as “Gosewehr”).

Referring to claim 1. Gosewehr discloses a system for enabling a customer to order a required product, comprising: a voice recognition mechanism for recognizing a voice input, and a display mechanism responsive to the recognized voice input for displaying images assisting the customer in ordering the product during a product ordering session (pages 2 and 3, ¶¶0025 and 0040).

Referring to claim 2. Gosewehr discloses the system of claim 1 wherein the voice recognition mechanism and the display mechanism are elements of a product ordering terminal in a retail facility (page 1, ¶0015).

Referring to claim 3. Gosewehr discloses the system of claim 1 wherein the display mechanism is configured for displaying a control element for enabling the customer to modify a

displayed image in a required manner when the customer selects the control element (page 3, ¶0040 – note the control element is the touch-screen or voice recognition that allows a user to view a large picture of the item).

Referring to claim 4. Gosewehr discloses the system of claim 3 wherein the voice recognition mechanism is configured to control the display mechanism so as to modify the displayed image in the required manner when a voice command corresponding to a function of the control element is recognized (page 3, ¶0040).

Referring to claim 6. Gosewehr discloses the system of claim 1 wherein the voice input includes a voice command associated with an image displayed by the display mechanism to request the display mechanism to display a screen linked to the displayed image (page 4, ¶0040).

Referring to claim 7. Gosewehr discloses the system of claim 1 wherein the display mechanism is configured for displaying at least a first screen representing a first phase of the product ordering session and a second screen representing a second phase of the product ordering session (pages 2 and 3, ¶¶0025 and 0040 – note the first screen is the menu and the second is the order information).

Referring to claim 8. Gosewehr discloses the system of claim 7 wherein the display mechanism is responsive to the recognized customer's voice input to replace the first screen with the second screen (pages 2 and 3, ¶¶0025 and 0040).

Referring to claim 10. Gosewehr discloses the system of claim 7 wherein the voice recognition mechanism is configured to recognize a first set of voice commands when the first screen is displayed, and a second set of voice commands when the second screen is displayed (pages 2 and 3, ¶¶0025 and 0040).

Referring to claim 11. Gosewehr discloses the system of claim 10, wherein the first set of voice commands differs from the second set of voice commands (pages 2 and 3, ¶¶0025 and 0040).

Referring to claim 12. Gosewehr discloses the system of claim 1 wherein the display mechanism is configured to display graphical elements indicating voice commands available in a particular phase of the product ordering session (pages 2 and 3, ¶¶0025 and 0040 – note the graphical elements include the animated guide and the buttons for yes, no, etc.).

Referring to claim 15. Gosewehr discloses the system of claim 1 further comprising a voice recording mechanism for recording the voice input to accumulate voice information for adjusting the voice recognition mechanism (page 3, ¶0041).

Referring to claims 16-18, 20-22 and 24-26. All of the limitations in method claims 16-18, 20-22 and 24-26 are closely parallel to the limitations of system claims 1, 3, 4, 6-8 and 10-12, analyzed above and are rejected on the same bases.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosewehr in view of Vallerand, U.S. Pat. App. Pub No. 2004/0176963 A1 (hereinafter referred to as “Vallerand”).

Referring to claim 5. Gosewehr discloses the system of claim 3, as discussed above, but does not disclose wherein the voice input includes a voice command for requesting the display mechanism to switch to a desired screen which is not available by selecting the displayed control element. Vallerand, in the same field of endeavor or e-shopping, discloses a system to order products using voice recognition including a voice command for requesting the display mechanism to switch to a desired screen which is not available by selecting a displayed control element (pages 4 and 5, ¶¶0041 and 0053 – note the voice command is technical support).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Gosewehr to include the teachings of Vallerand to allow for a voice command for requesting the display mechanism to switch to a desired screen which is not available by selecting a displayed control element. Doing so would allow for customers who are unfamiliar with the system to immediately access help, decreasing the possibility that in their

frustration, the customer aborts the sales, and increasing the possibility of greater customer satisfaction and more sales.

Referring to claim 9. Gosewehr discloses the system of claim 8, as discussed above, but does not disclose the first screen and the second screen representing non-consecutive phases of the product ordering session. Vallerand, in the same field of endeavor or e-shopping, discloses a system to order products using voice recognition including a first screen and the second screen representing non-consecutive phases of the product ordering session (pages 4 and 5, ¶¶0041 and 0053 – note the second screen is the technical support).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Gosewehr to include the teachings of Vallerand to allow for a first screen and the second screen representing non-consecutive phases of the product ordering session. Doing so would allow for customers who are unfamiliar with the system to immediately access help whenever desired, even out of sequence, decreasing the possibility that in their frustration, the customer aborts the sales, and increasing the possibility of greater customer satisfaction and more sales.

Referring to claim 14. Gosewehr discloses the system of claim 1, as discussed above, but does not disclose voice commands recognizable by the voice recognition mechanism during the product ordering session include product keywords for defining products available for ordering. Vallerand, in the same field of endeavor or e-shopping, discloses a system to order products using voice recognition including voice commands recognizable by the voice recognition

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mechanism during the product ordering session to include product keywords for defining products available for ordering (page 4, ¶¶0040, 0045-0046 – note the keyword is the SKU or barcode).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Gosewehr to include the teachings of Vallerand to allow for voice commands recognizable by the voice recognition mechanism during the product ordering session to include product keywords for defining products available for ordering. Doing so would save customers' time and effort by allowing them to order items more quickly by immediately entering in the item number instead of having to peruse menus until their item appears, as suggested by Vallerand (page 4, ¶0046).

Referring to claims 19, 23 and 28. All of the limitations in method claims 19 and 23 are closely parallel to the limitations of system claims 5, 9 and 14, analyzed above and are rejected on the same bases.

Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosewehr in view of Elston et al., U.S. Pat. App. Pub No. 2002/0143655 A1 (hereinafter referred to as "Elston et al.").

Referring to claim 13. Gosewehr discloses the system of claim 1, as discussed above, but does not disclose voice commands recognizable by the voice recognition mechanism during the product ordering session to include point-of-sale keywords for defining points of sales for delivery of an ordered product. Elston et al., in the same field of endeavor of e-shopping,

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discloses a remote ordering system using voice recognition software to order products and services, including having voice commands recognizable by the voice recognition mechanism during the product ordering session include point-of-sale keywords for defining points of sales for delivery of an ordered product (pages 2, 7, 10 and 18, ¶¶ 0017, 0142, 0189 and 0322 – note the delivery is to customer-selected location at desired time).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Gosewehr to include the teachings of Elston et al. to allow for voice commands recognizable by the voice recognition mechanism during the product ordering session to include point-of-sale keywords for defining points of sales for delivery of an ordered product. Doing so would provide more convenience for customer by allowing them to designation where and when they desire the items ordered.

Referring to claim 27. All of the limitations in method claim 27 are closely parallel to the limitations of system claim 13, analyzed above and are rejected on the same bases.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Dev et al., US 2004/0158499 A1, discloses a system and method for providing self-service restaurant ordering and payment including displaying images in response to user input such as voice recognition to facilitate orders (*see, e.g.*, pages 2-8).

(2) Struthers et al., US 2003/0075600 A1, discloses a method by which customers may execute transitions at a fuel dispenser with a large display including displaying images in response to user input such as voice recognition to facilitate orders (*see, e.g.*, pages 3-6).

(3) Liebman, US 2003/0046166 A1, discloses an automated self-service ordering system and method including displaying images in response to user input such as voice recognition to facilitate orders (*see, e.g.*, pages 2-4).

(4) Camaisa et al., US 5,845,263, discloses a portable interactive visual ordering system and method including displaying images in response to user input such as voice recognition to facilitate orders (*see, e.g.*, cols. 5-17).

(5) Fukada, JP 406149534 A, discloses a voice screen operation unit for ordering items from a menu including displaying images in response to user input such as voice recognition to facilitate orders (*see* Abstract).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

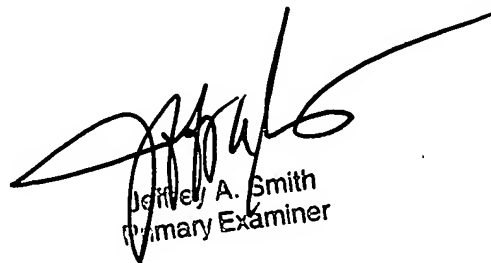
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

August 16, 2006



Jeffrey A. Smith
Primary Examiner